

**STATE OF TENNESSEE  
COUNTY OF HAMBLLEN  
CORPORATION OF MORRISTOWN  
JULY 5, 2011**

The City Council for the City of Morristown, Hamblen County, Tennessee, met in regular session at the regular meeting place of the Council in the Morristown City Center at 4:00 p.m., Tuesday, July 5, 2011 with Honorable Mayor Danny Thomas, presiding and the following named Councilmembers present: Bob Garrett, Chris Bivens, Paul LeBel and Kay Senter; absent: Councilmembers Gene Brooks and Claude Jinks.

Councilmember Senter made a motion to approve the June 21, 2011 minutes as circulated; Councilmember LeBel seconded the motion and all voted "aye".

A public hearing was held on the adoption of Plan of Services for the following Resolution No. 13-11. Councilmember Bivens made a motion to adopt said Resolution. Councilmember LeBel seconded the motion and upon roll call, all voted "aye".

**RESOLUTION NO. 13-11**

**RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE  
ANNEXATION OF PROPERTIES LOCATED ALONG EAST  
TENNESSEE PROGRESS CENTER AND HOWARD ALLEN ROAD.  
{1520 Howard Allen Road}**

WHEREAS, TENNESSEE CODE ANNOTATED, TITLE 6, CHAPTER 51, AS AMENDED REQUIRES THAT A PLAN OF SERVICES BE ADOPTED BY THE GOVERNING BODY.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND COUNCIL OF THE CITY OF MORRISTOWN, TENNESSEE:

Beginning at the point of intersection of Parcels 63.00 and 64.01 of Hamblen County Tax Map 57 and the most southern edge of the Howard Allen Road right-of-way and heading in a westerly direction along the southern edge of said right-of-way to the point of intersection with Parcel 2.00 of Hamblen County Tax Map 62 and Parcel 63.00 of Hamblen County Tax Map 57; thence in a northerly direction along the common boundary line shared by Parcel 2.00 of Hamblen County Tax Map 62 and Parcel 63.00 of Tax Map 57 to the point of intersection with Parcel 60.00 of Hamblen County Tax Map 57 continuing on along the western edge of Parcel 63.00 of Hamblen County Tax Map 57 most northern point of the parcel; thence in an easterly direction along the southern boundary line of Parcel 60.00 of Hamblen County Tax Map 57 to the point of intersection with the centerline of the Technology Way right-of-way; thence in a southerly

direction along the centerline of the Technology Way right-of-way to the intersection with the southern edge of the Howard Allen Road right-of-Way; thence in a westerly direction along the southern edge of the Howard Allen Road right-of-way to the point of beginning.

(1520 Howard Allen Road {HCTM 57, Parcel 63} and 1512 Witt Road {HCTM 57, Parcel 64.01})

**Section I. Pursuant to the provisions of Title 6, Chapter 51, Tennessee Code Annotated, there is hereby adopted, for the area bounded as described above, the following plan of services.**

a. Police

1. Patrolling, radio responses to calls, and other routine police services, using present personnel and equipment, will be provided upon the effective date of annexation.

2. Traffic signals, traffic signs, street markings and other traffic control devices will be installed as the need therefore is established by appropriate study and traffic standards.

b. Fire

Fire protection by the present personnel and the equipment of the fire fighting force, within the limitations of available water and distances from fire stations, will be provided upon the effective date of annexation.

c. Water

1. Water for potable use will be provided in accordance with current policies of the Morristown Utility Commission unless located in an area in which another utility district has made service available and asserts Title 7 USC 1926b protection in the annexed area as in this area which is served by the Whitt Utility District.

2. Water for fire protection to serve the substantially developed annexed area(s) will be provided in accordance with current policies of Morristown Utility Commission unless authorized by franchise agreement with another utility district which has made service available with capability to meet City of Morristown Fire Protection Standards. Any extension of water system infrastructure beyond that of the Morristown Utility Commission policies shall be at the expense of the property owner or developer.

3. In those parts of the annexed area that are currently served by another utility district, the above conditions and terms will begin upon acquisition of service area by Morristown Utility System or approval of franchise agreement with another utility district which may be delayed by negotiation and/or litigation.

d. Sewers

The necessary collecting, intercepting and trunk sewers to serve the substantially developed annexed area(s) shall be in accordance with the current policies of the city. Any extension of said sewers beyond that of the city's policies shall be at the expense of the property owner or property developer.

e. Electrical

1. Electrical service for domestic, commercial and industrial use will be provided at city rates for new lines as extended in accordance with current policies of Morristown Utility Commission.

2. In those parts of the annexed area presently served by another utility cooperative, the above conditions or terms will begin with the acquisition by the city of such cooperatives or parts thereof, which may be delayed by negotiations and/or litigation.

f. Refuse Collection

The same regular refuse collection service now provided within the city will be extended to the annexed area upon the effective date of annexation.

g. Streets

1. Routine maintenance, on the same basis as in the present city, will begin in the annexed area when funds from the State gasoline tax based on the annexed population are received (usually July 1 following the effective date of annexation).

2. Reconstruction and resurfacing of streets, installation of storm drainage facilities, construction of curbs and gutters, and other such major improvements, as the need therefore is determined by the governing body, will be accomplished under current policies of the city.

h. Inspection Services

Any inspection services now provided by the city (building, electrical, plumbing, gas, housing, weights and measures, sanitation, etc.) will begin upon the effective date of annexation.

i. Planning and Zoning

The planning and zoning jurisdiction of the city will apply to the annexed area in conjunction with the effective date of annexation. The Morristown Regional Planning Commission recommended the zoning designation of Heavy Industrial (HI).

j. Street Lighting

Street lights will be installed under the standards currently prevailing in the existing city.

k. Recreation

Residents of the annexed area may use all existing recreational facilities, parks, etc., on the effective date of annexation. The same standards and policies now used in the present city will be followed in expanding the recreational program and facilities in the enlarged city.

l. Miscellaneous

Street name signs where needed will be installed as new street construction requires.

**Section II.** This Resolution shall become effective from and after its adoption.

Passed on this 5th day of July, 2011.

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Mayor

ATTEST:

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City Administrator

A public hearing was held on the adoption of Plan of Services for the following Resolution No. 14-11. Councilmember Bivens made a motion to adopt said Resolution. Councilmember LeBel seconded the motion and upon roll call, all voted "aye".

**RESOLUTION NO. 14-11**

**BEING A RESOLUTION ADOPTING A PLAN OF SERVICES FOR THE ANNEXATION OF PROPERTIES LOCATED ALONG EAST TENNESSEE PROGRESS CENTER AND HOWARD ALLEN ROAD (2).  
{1538 HOWARD ALLEN RD.}**

WHEREAS, TENNESSEE CODE ANNOTATED, TITLE 6, CHAPTER 51, AS AMENDED REQUIRES THAT A PLAN OF SERVICES BE ADOPTED BY THE GOVERNING BODY.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND COUNCIL OF THE CITY OF MORRISTOWN, TENNESSEE:

Beginning at the point of intersection of Parcel 2.00 of Hamblen County Tax Map 62 with Parcel 63.00 of Hamblen County Tax Map 57 with the most southern edge of the Howard Allen Road right-of-way and heading in a westerly direction along the southern edge of said right-of-way to the point of intersection of Parcel 2.00 of Hamblen County Tax Map 62 and Parcel 4.00 of Hamblen County Tax Map 61; thence in a northerly direction along the common boundary shared by Parcel 2.00 of Hamblen County Tax Map 62 and Parcel 4.00 of Hamblen County Tax Map 61 to the point most northwestern point of Parcel 2.00 of Hamblen County Tax Map 62; thence in an easterly direction along the common boundary shared by Parcel 2.00 of Hamblen County Tax Map 62 and Parcel 60.00 of Hamblen County Tax Map 57 to the point of intersection with Parcel 63.00 of Hamblen County Tax Map 57; thence in a southerly direction along the common boundary shared by Parcel 2.00 of Hamblen County Tax Map 62 and Parcel 63.00 of Hamblen County Tax Map 57 across the Howard Allen Road right-of-way to the point of beginning.

(1538 Howard Allen Road {HCTM 62, Parcel 2})

**Section I. Pursuant to the provisions of Title 6, Chapter 51, Tennessee Code Annotated, there is hereby adopted, for the area bounded as described above, the following plan of services.**

a. Police

1. Patrolling, radio responses to calls, and other routine police services, using present personnel and equipment, will be provided upon the effective date of annexation.

2. Traffic signals, traffic signs, street markings and other traffic control devices will be installed as the need therefore is established by appropriate study and traffic standards.

b. Fire

Fire protection by the present personnel and the equipment of the fire fighting force, within the limitations of available water and distances from fire stations, will be provided upon the effective date of annexation.

c. Water

1. Water for potable use will be provided in accordance with current policies of the Morristown Utility Commission unless located in an area in which another utility district has made service available and asserts Title 7 USC 1926b protection in the annexed area as in this area which is served by the Whitt Utility District.

2. Water for fire protection to serve the substantially developed annexed area(s) will be provided in accordance with current policies of Morristown Utility Commission unless authorized by franchise agreement with another utility district which has made service available with capability to meet City of Morristown Fire Protection Standards. Any extension of water system infrastructure beyond that of the Morristown Utility Commission policies shall be at the expense of the property owner or developer.

3. In those parts of the annexed area that are currently served by another utility district, the above conditions and terms will begin upon acquisition of service area by Morristown Utility System or approval of franchise agreement with another utility district which may be delayed by negotiation and/or litigation.

d. Sewers

The necessary collecting, intercepting and trunk sewers to serve the substantially developed annexed area(s) shall be in accordance with the current policies of the city. Any extension of said sewers beyond that of the city's policies shall be at the expense of the property owner or property developer.

e. Electrical

1. Electrical service for domestic, commercial and industrial use will be provided at city rates for new lines as extended in accordance with current policies of Morristown Utility Commission.

2. In those parts of the annexed area presently served by another utility cooperative, the above conditions or terms will begin with the acquisition by the city of such cooperatives or parts thereof, which may be delayed by negotiations and/or litigation.

f. Refuse Collection

The same regular refuse collection service now provided within the city will be extended to the annexed area upon the effective date of annexation.

g. Streets

1. Routine maintenance, on the same basis as in the present city, will begin in the annexed area when funds from the State gasoline tax based on the annexed population are received (usually July 1 following the effective date of annexation).

2. Reconstruction and resurfacing of streets, installation of storm drainage facilities, construction of curbs and gutters, and other such major improvements, as the need therefore is determined by the governing body, will be accomplished under current policies of the city.

h. Inspection Services

Any inspection services now provided by the city (building, electrical, plumbing, gas, housing, weights and measures, sanitation, etc.) will begin upon the effective date of annexation.

i. Planning and Zoning

The planning and zoning jurisdiction of the city will apply to the annexed area in conjunction with the effective date of annexation. The Morristown Regional Planning Commission recommended the zoning designation of Heavy Industrial (HI).

j. Street Lighting

Street lights will be installed under the standards currently prevailing in the existing city.

k. Recreation

Residents of the annexed area may use all existing recreational facilities, parks, etc., on the effective date of annexation. The same standards and policies now used in the present city will be followed in expanding the recreational program and facilities in the enlarged city.

l. Miscellaneous

Street name signs where needed will be installed as new street construction requires.

**Section II.** This Resolution shall become effective from and after its adoption.

Passed on this 5<sup>th</sup> day of July, 2011.

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Mayor

ATTEST:

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City Administrator

A public hearing was held on the following captioned Ordinance No. 3422. Councilmember Bivens made a motion to adopt said Ordinance on second and final reading. Councilmember LeBel seconded the motion and upon roll call, all voted "aye".

**Ordinance No. 3422**

**Entitled an Ordinance to Annex Certain Territory and to Incorporate same within the Corporate Boundaries of the City of Morristown, Tennessee. {1520 Howard Allen Road}**

A public hearing was held on the following captioned Ordinance No. 3423. Councilmember LeBel made a motion to adopt said Ordinance on second and final reading. Councilmember Bivens seconded the motion and upon roll call, all voted "aye".

**Ordinance No. 3423**

**Entitled an Ordinance to Annex Certain Territory and to Incorporate same within the Corporate Boundaries of the City of Morristown, Tennessee. {1538 Howard Allen Road}**



Councilmember LeBel made a motion to approve the change order contract for Flow Meter Installation at the Witt Pumping Stations. Councilmember Bivens seconded the motion and upon roll call, all voted “aye”.

Councilmember LeBel made a motion to adopt the following captioned Ordinance No. 3393.18 on first reading and schedule a public hearing relative to final passage of said Ordinance for July 19, 2011. Councilmember Bivens seconded the motion and upon roll call, all voted “aye”.

**Ordinance No. 3393.18**

**An Ordinance to Amend Ordinance Number 3393, The City of Morristown, Tennessee Annual Budget for the Fiscal Year 2010-2011 for End Budget Amendment for LAMPTO.**

Councilmember Bivens made a motion to adopt the following captioned Ordinance No. 3393.19 on first reading and schedule a public hearing relative to final passage of said Ordinance for July 19, 2011. Councilmember LeBel seconded the motion and upon roll call, all voted “aye”.

**Ordinance No. 3393.19**

**An Ordinance to Amend Ordinance Number 3393, The City of Morristown, Tennessee Annual Budget for the Fiscal Year 2010-2011 for End Budget Amendment for Storm Water Fund.**

Councilmember Bivens made a motion to adopt the following captioned Ordinance No. 3393.20 on first reading and schedule a public hearing relative to final passage of said Ordinance for July 19, 2011. Councilmember Senter seconded the motion and upon roll call, all voted “aye”.

**Ordinance No. 3393.20**

**An Ordinance to Amend Ordinance Number 3393, The City of Morristown, Tennessee Annual Budget for the Fiscal Year 2010-2011 for End Budget Amendment for Solid Waste Fund.**

Councilmember LeBel made a motion to adopt the following captioned Ordinance No. 3393.21 on first reading and schedule a public hearing relative to final passage of said Ordinance for July 19, 2011. Councilmember Bivens seconded the motion and upon roll call, all voted “aye”.

**Ordinance No. 3393.21**

**An Ordinance to Amend Ordinance Number 3393, The City of Morristown, Tennessee Annual Budget for the Fiscal Year 2010-2011 for End Budget Amendment for CDBG Fund.**

Councilmember Senter made a motion to adopt the following captioned Ordinance No. 3393.22 on first reading and schedule a public hearing relative to final passage of said Ordinance for July 19, 2011. Councilmember Bivens seconded the motion and upon roll call, all voted "aye".

**Ordinance No. 3393.22**

**An Ordinance to Amend Ordinance Number 3393, The City of Morristown, Tennessee Annual Budget for the Fiscal Year 2010-2011 for End Budget Amendment for Sewer Fund.**

Councilmember LeBel made a motion to adopt the following captioned Ordinance No. 3393.23 on first reading and schedule a public hearing relative to final passage of said Ordinance for July 19, 2011. Councilmember Bivens seconded the motion and upon roll call, all voted "aye".

**Ordinance No. 3393.23**

**An Ordinance to Amend Ordinance Number 3393, The City of Morristown, Tennessee Annual Budget for the Fiscal Year 2010-2011 for End Budget Amendment for General Fund.**

Councilmember Bivens made a motion to adopt the following captioned Ordinance No. 3393.24 on first reading and schedule a public hearing relative to final passage of said Ordinance for July 19, 2011. Councilmember LeBel seconded the motion and upon roll call, all voted "aye".

**Ordinance No. 3393.24**

**An Ordinance to Amend Ordinance Number 3393, The City of Morristown, Tennessee Annual Budget for the Fiscal Year 2010-2011 for End Budget Amendment for Narcotics Fund.**

Councilmember Senter made a motion to approve the following Resolution No. 15-11. Councilmember Bivens seconded the motion and upon roll call, all voted "aye".

**RESOLUTION NO. 15-11**

**A RESOLUTION TO AUTHORIZE THE SUBMISSION OF A FAST TRACK INFRASTRUCTURE PROGRAM (FTIDP) APPLICATION TO FUND TRAINING AND RAIL IMPROVEMENTS THAT WOULD SERVE FREEDOM ENERGY DIESEL, IN MORRISTOWN, TENNESSEE.**

WHEREAS, the City of Morristown supports the creation of manufacturing jobs within its jurisdiction; and

WHEREAS, FREEDOM ENERGY DIESEL has indicated its intent to develop new manufacturing facilities in the East Tennessee Progress Center, with an estimated investment of \$405 million and the creation of approximately 600 new jobs over the next three years; and

WHEREAS, the State of Tennessee offers local governments grant funds to finance site improvements and training assistance associated with job creation projects through its Fast Track Infrastructure Development Program (FTIDP); and

WHEREAS, the City of Morristown must submit a formal application in order to acquire Fast Track Infrastructure Development Program (FTIDP) funds to support the expansion of the East Tennessee Progress Center.

NOW, THEREFORE, BE IT RESOLVED that the Morristown City Council hereby authorizes the Mayor or his representatives to prepare and submit a Fast Track Infrastructure Development Program Grant application for up to \$750,000 to fund 74% of the cost of improvements that are proposed to serve Freedom Energy Diesel in the East Tennessee Progress Center.

BE IT FURTHER RESOLVED that Freedom Energy will contribute 26% of the project costs, estimated at \$195,000 to the project in order to satisfy the local share requirements of the FTIDP program.

Adopted this 5th day of July 2011

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Danny Thomas, Mayor  
City of Morristown

ATTEST:

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Anthony Cox  
City Administrator

Councilmember LeBel made a motion to Amend the Agenda. Councilmember Garrett seconded the motion and upon roll call, all voted "aye".

Councilmember LeBel made a motion to adopt the following captioned Ordinance No. 3424 on first reading and schedule a public hearing relative to final passage of said Ordinance for July 19, 2011. Councilmember Garrett seconded the motion and upon roll call, all voted "aye".

**Ordinance No. 3424**

**An Ordinance Amending the Morristown Municipal Code Section 1-201 by changing the time of City Council Regular Meetings from 4:00 p.m. to 5:00 p.m.**

Mayor Thomas adjourned the July 5, 2011 meeting.

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Mayor

ATTEST:

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City Administrator